

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INSITUFORM TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04 10487 GAO
)	
AMERICAN HOME ASSURANCE COMPANY,)	
)	
Defendant.)	

**MEMORANDUM IN OPPOSITION TO AMERICAN
HOME'S MOTION FOR LEAVE TO FILE A REPLY BRIEF**

Plaintiff Insituform Technologies, Inc. ("Insituform"), by its attorneys, opposes American Home Assurance Company's ("American Home") motion to file a reply memorandum as follows:

1. Insituform filed its motion for partial summary judgment on May 10, 2004.
2. American Home secured additional time and filed a response and cross-motion for summary judgment on June 23, 2004.
3. Pursuant to the local rules, Insituform filed its response to American Home's cross-motion on July 8, 2004.
4. Reply briefs are not permitted and are only allowed upon leave of court. Local Rule 7(b)(3). This case presents a straightforward issue of insurance contract construction. The issues have been fully briefed and replies should not be permitted. Moreover, it would be inappropriate to allow one cross movant to file a reply brief, and not the other. In the event that the Court believes that a reply brief would be appropriate, such ruling should be evenhanded and allow reply briefs to be filed by both moving parties.

5. Accordingly, Insituform respectfully requests for an order from this Court denying American Home's motion to file a reply brief or, in the alternative, granting the motion but permitting Insituform to file a reply brief in support of its motion for partial summary judgment as well.

Respectfully submitted,

INSITUFORM TECHNOLOGIES, INC.

By: _____


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